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FAX TRANSMISSION COVER SHEET

Date: August 17, 2005
To: United States Patent & Trademark Office
ISSUE FEE
Examiner Dung T. Nguyen
Fax: 703-746-4000
Phone:
From: Mandy Lomeli for Eric L. Maschoff
Our File: 15436.436.5
Application Serial No.: 10/026,020

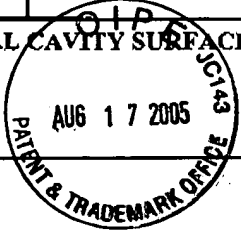
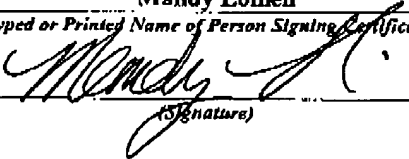
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Comments:

Please see attached.

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| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. 15436.436.5 |
| Applicant(s): Ralph H. Johnson | | | |
| Application No. 10/026,020 | Filing Date December 27, 2001 | Examiner Dung T. Nguyen | Group Art Unit 2828 |
| Invention: VERTICAL CAVITY SURFACE EMITTING LASER INCLUDING INDIUM AND ANTIMONY IN THE | | | |
|  | | | |
| <p>I hereby certify that this _____ <u>See below*</u> _____ (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-746-4000</u>)</p> <p>on <u>August 17, 2005</u> (Date)</p> <p style="text-align: right;">Mandy Lomeli (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">*Note: Each paper must have its own certificate of mailing.</p> <ul style="list-style-type: none">• Issue Fee Transmittal Letter (1 pg.)• PTOL-85B Fee Transmittal (1 pg.)• Comments on Examiner's Statement of Reasons for Allowance (1 pg.)• PTO-2038 Credit Card Form in amount of \$1,703.00 (1 pg.)• Certificate of Transmission by Facsimile (1 pg.) | | | |

P18/REV02



PATENT APPLICATION
Docket No: 15436.436.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ralph H. Johnson

Serial No: 10/026,020

Filed: December 27, 2001

For: VERTICAL CAVITY SURFACE EMITTING LASER
INCLUDING INDIUM AND ANTIMONY IN THE
ACTIVE REGION

Examiner: Dung T. Nguyen

) Art Unit
) 2828COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communications mailed on May 17, 2005. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Respectfully submitted,

Dated: August 17, 2005

By: 

ERIC L. MASCHOFF
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